

Application Serial No. 10/675,498
Reply to office action of March 8, 2007

PATENT
Docket: CU-3333

REMARKS/ARGUMENTS

Claims 1 and 3-16 are pending. They were finally rejected for various reasons set forth below. Since the claim rejections were made final, the applicant is filing a Request for Continued Examination with this amendment.

In the office action mailed March 8, 2007, claims 3-7 were rejected under 35 U.S.C. §112 as being indefinite because the term, "said filter housing" in claim 3, lines 1-2 lacked antecedent basis. The term, "said first filter unit" in claim 3, line 4 lacked antecedent basis. The term, "said filter housing" in lines 1-2 of claims 4 and 5 lacked antecedent basis. The term, "said second filter unit" in claim 6 lacked antecedent basis. The term, "said first filter unit" in claim 7 lacked antecedent basis.

Claims 1, 14 and 15 were rejected under 35 U.S.C. §102(a) and 102(e) as being anticipated by U.S. pre-grant publication 2003/0167590 by Oh, referred to hereafter as the '590 publication.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent 6,406,505 to Oh, referred to hereafter as the '505 patent.

Claims 3, 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '590 publication in view of U.S. patent number 3,621,640 and U.S. patent 4,426,211.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '590 publication, the '640 patent to Ohno, the '211 patent to Ataka and U.S. pre-grant publication 2003/0028994.

Claims 8-10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '590 publication, the '640 patent, the '211 patent in further view of U.S. patent 6,618,898 to Tingle, as evidenced by U.S. patent 6,341,404 to Salo.

Claims 11-12 were rejected under 35 U.S.C. §103(a) in view of the '590 publication, the '640 patent, the '211 patent, the '898 patent and the '404 patent and in view of pre-grant publication 2003/0028994.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over the '590 publication and U.S. patent number 6,598,263 to Boles.

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After carefully reviewing the Examiner's rejections and the references cited against the claims, the applicant has amended the claims such that the amended claims overcome the Examiner's objections and traverse the Examiner's rejections. The claims are believed to be in condition for allowance.

Paraphrased, each of the independent claims has been amended to recite that the "filter assembly" is comprised of a "filter housing." The "filter housing" is claim as having a top, a bottom and at least one side. The "filter housing" is also claimed as being capable of enclosing at least one filter unit and as having a "safety lever" located or positioned at the bottom of the filter housing. More importantly, the safety lever is claimed as protruding outwardly from the at least one side of the filter housing if the filter unit is not fully installed or properly inserted into the filter housing. The outward protrusion of the safety lever is also claimed as "[preventing] the filter assembly from being installed into the main body."

Support for the independent claim amendments can be found in the specification on pages 10-12, which states that "the locking projection 153a is received within the filter housing 152" when the first filter unit is "engaged with the filter housing 152." On page 10, lines 3-8 state that "when the filter assembly 150 is not completely assembled or when the first filter unit 170 is not fully engaged with the filter housing 152, the safety lever 153 protrudes toward one side of the filter assembly 150 and interrupts the insertion of the filter assembly into the filter mounting 101." No new matter has been added.

Support for the dependent claim amendments, which pertain to the cover and its spring-loaded closure, can be found on pages 12 and 13. No new matter has been added.

The applicant has carefully reviewed the Oh '590 publication as well as the Oh '505 patent, both of which were cited against the independent claims. Neither reference shows or suggests a bagless vacuum cleaner having a safety lever located at the bottom of a filter housing, and which projects outwardly from a side of the filter housing if a filter unit is *not* fully installed into the housing. Put another way, none of the references show a bagless vacuum cleaner having a filter housing with a safety lever

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that does not project outwardly when a filter unit is installed properly into the filter housing.

The '590 publication by Oh discloses a bagless vacuum cleaner with a filter housing 300 (referred to as a cassette), however, the housing disclosed in the '590 publication does not show any sort of "safety lever" at the bottom of the filter housing and which will project outwardly only when an internal filter element is not installed properly, as the amended claims require.

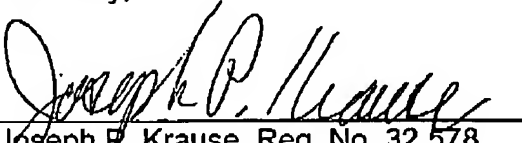
The '505 patent to Oh also shows a bagless vacuum cleaner. A dust collecting device is identified by reference numeral 7 in FIG. 2. The dust collecting device 7 has a "pivot member 21" located at the bottom of the dust collecting device 7, however, the "pivot member 21" of the '505 patent always protrudes from the side of the dust collecting device and is never retracted as the pending claims inherently require. More importantly, the pivot member 21 of the '505 patent does not prevent or prohibit the dust collecting device 7 from being installed into the vacuum cleaner as the amended claims require.

The applicant believes that the amendments to the independent claims avoid the references that were cited against them. The independent claims are therefore believed to be in condition for allowance. Various dependent claims have been amended as set forth above to further define subject matter, which the applicant believes to be novel and non-obvious in view of the references that were cited by the Examiner.

For the reasons set forth above, claims 1 -16 are believed to be in condition for allowance. Reconsideration of the pending claims is therefore respectfully requested.

Sincerely,

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